

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

JOY KELLY GREEN,
On behalf of J.M.G.,

Plaintiff,

V.

MARVIN MCDONALD, et al.,

Defendants.

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Civil Action No. 2:24-00321-KD-N

ORDER

After due and proper consideration of the issues raised, the report and recommendation of the United States Magistrate Judge made under 28 U.S.C. § 636(a)–(b), Fed. R. Civ. P. 72, and S.D. Ala. GenLR 72(a) and dated March 6, 2025, (Doc. 37), is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that the Motion to Dismiss, (Doc. 28), filed by Defendant Sumter County, Alabama (“Sumter County”) and Defendant Sumter County Sheriff Brian Harris (“Harris”) (collectively, “Defendants”) is:

- **GRANTED** under Rule 12(b)(1) as to **Count Three** against **Harris** and **Count Three** against **Harris** is **DISMISSED without prejudice**;
- **GRANTED** under Rule 12(b)(6) as to **Count Three** against **Sumter County** and **Count Three** against **Sumter County** is **DIMISSED without prejudice**;
- **GRANTED** under Rule 12(b) as to all fictitious defendants—except Deputy Doe I—and the claims against all fictitious defendants—except Deputy Doe I—are **DISMISSED without prejudice**. Otherwise, the motion to dismiss all claims against fictitious defendant Deputy Doe I is **DENIED**, in accordance with the prior adopted report and recommendation, (Doc. 39).

DONE and **ORDERED** this the **25th** day of **March 2025**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE